IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

Civil Application No.1362 of 2003
along with
WRIT PETITION NO.5877 OF 1991

Mr R Sethuramanr, .. Petitioner.

Vs

Mr Ramchandra D Hebballai, .. Respondent

Mr D.K.Ghaisas, for the petitioner.

CORAM : D.B.BHOSALE,J.
DATE : 21.09.2006
PC:

1. Heard Mr Ghaisas, learned counsel for the petitioner.

2. By this civil application, the petitioner has prayed for restoration of writ petition no.5877 of 1991, which came to be dismissed for nonprosecution on 28.10.2002. Till this date, the respondent in the civil application has not been served. In the main writ petition, the petitioner has impugned the order dated 16.8.1991. His appeal, bearing no.256 of 1990, had been dismissed with cost. That appeal was directed against the judgment and decree dated 21.3.1989. It was a money decree and the petitioner-defendant was directed to pay Rs.2370/- to the plaintiff with interest at the rate of 6% PA from the date of the suit till the date of

judgment and for further period of one year. Admittedly, the decreetal amount was deposited by the petitioner- defendant and that had been withdrawn by the plaintiff. Keeping that in view, in my opinion, nothing survives in this writ petition. Hence, this civil application seeking restoration of the writ petition is dismissed.

3. In view of the order passed on this civil application, the writ petition does not survives and is dismissed. Rule discharged. No costs.

(D.B.BHOSALE,J.)